

Appl. No. 10/718,301
Amdt. dated 10/12/2005
Reply to Office Action of 07/12/2005

IN THE DRAWINGS:

Please replace reference numerals 104 and 106 with reference numerals 224 and 226, respectively, and as shown in RED in the attached corrected Drawing figure.

Also, please add Fig. 5 to the DRAWINGS.

IN THE BRIEF DESCRIPTION OF THE DRAWINGS:

Please enter the following paragraph after the paragraph on page 5, lines 12 and 13.

FIG. 5 is a flowchart of a process that may be used to implement the invention.

REMARKS

Claims 1 - 22 are pending in the present Application. In the above-identified Office Action, the Examiner objected to the DRAWINGS and the SPECIFICATION including the ABSTRACT of the disclosure, the TITLE of the invention, the content of the SPECIFICATION, the DESCRIPTION of the RELATED ART and the CO-PENDING APPLICATIONS section (or lack thereof).

In addition, the Examiner rejected Claims 18 and 19 under 35 U.S.C. §112, first, second and sixth paragraphs, as failing to comply with the enablement requirement, failing to specify what the recited means are in the means-plus-function language of the claims and the lack of flowcharts explaining the steps required, respectively. Claims 2 - 10 and 12 - 18, 20 and 22 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 2, 4 - 11 and 19 - 22 were rejected under 35 U.S.C. §103 as being unpatentable over Windows™ Explorer and Ku et al. (US Patent Application Publication 2002/0073078) in view of Pajak. Claims 3 and 12 - 18 were rejected under 35 U.S.C. §103 as being unpatentable over Windows™ Explorer, Ku and Pajak in view of Rich et al.

The Examiner objected to the SPECIFICATION because (1) the Title of the invention is not descriptive; (2) the SPECIFICATION does not include co-pending Applications; (3) the Description of the Related Art is too general and does not contain the sections suggested in the MPEP; (4) the

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Summary of the Invention merely recites almost all the claims and not just one; and (5) the Abstract is not properly descriptive of the invention.

In regard to the TITLE of the invention not being descriptive, Applicants have provided a new TITLE.

Applicants have also amended the SPECIFICATION to include a CROSS-REFERENCE TO RELATED APPLICATIONS section within which the Applications which the Examiner stated are co-pending are listed. Further, Applicants amended the SUMMARY of the invention to exclude all but the first two claims that were copied therein. Applicants have also provided a new ABSTRACT and a new FIG. 5.

In regard to the Description of the Related Art being too general, Applicants beg to differ. The claimed invention is directed toward the step of displaying simultaneously to a user, data objects representing both local and remote files. The claimed invention is also directed toward the step of interacting with remote data objects based upon rules set on remote systems. Consequently, it is stated in the BACKGROUND that conventionally either local or remote data objects are displayed to a user but not both and that remote data objects are either acted upon on remote systems or downloaded to local systems, acted upon and then sent back to the remote systems. Thus, it is concluded in the BACKGROUND, that it would be desirable to provide a more flexible approach to displaying and interacting with local and remote data objects. Applicants believe that no further disclosure is needed.

Applicants would like to point out to the Examiner that the different sections of an Application suggested in the MPEP are just that, suggestions. It is not required that the BACKGROUND OF THE INVENTION, for example, include (1) Field of the Invention and (2) Description of the Related Art sub-sections.

Fig. 2 has been amended to replace reference numerals 104 and 106 with reference numerals 224 and 226, respectively.

Claims 18 and 19 were rejected under 35 U.S.C. §112, first paragraph, for containing subject matter that was not described in the SPECIFICATION. Specifically, the Examiner stated, the SPECIFICATION does not contain the specific means-plus-functions language of the claims.

Regarding the 112, first paragraph rejection of Claim 18, Applicants believe that it is unwarranted since Claim 18 does not contain any means-plus-functions language.

Regarding the 112, first paragraph rejection of Claim 19, Applicants submit that it is also unwarranted. The invention includes a software program that is executed by processor(s) embedded in the computer systems of Fig. 1. For example, on page 5, line 30, it is said that the view model 210 may be a process that is on a local or remote system. Further, since the disclosure includes various mentions of files, folders, metadata, data objects etc., software programs are inherently disclosed in the Specification. Consequently, the specific means are the different parts of the program, which when executed, perform the function(s) stated in Claim 19.

Claims 18 and 19 were also rejected under 35 U.S.C. §112, second and sixth paragraphs, for not specifying what the recited means are. Notwithstanding the arguments above regarding the "means-plus-functions" language of Claim 19, Applicants provide a new DRAWING sheet, Fig. 5, that includes a flowchart. The SPECIFICATION is amended to include a BRIEF DESCRIPTION as well as a full description of the figure. No new matter is added since support can be found in the claims themselves as well as on page 5, line 17 to page 7, line 16 in general and in Fig. 3 and on page 7, line 22 to page 10, line 15 specifically.

In response to the 112, second paragraph rejection of Claims 2 - 10, 12 - 18, 20 and 22, Applicants have amended Claims 2, 4, 5, 7, 9, 10, 12, 13, 15, 17, 18 20 and 22 to include the phrase "hybrid data object." Applicants believe that by this amendment the rejection is overcome.

Regarding the rejection of Claims 2 - 10, 12 - 18, 20 and 22 under 35 U.S.C. §112, second paragraph, for using "at least one of ... X ... and ... Y ..." Applicants did not fully understand the rejection. Consequently, if the deficiency in the claims was not overcome by the inclusion of the phrase "hybrid data object," Applicants respectfully request that the Examiner further explain the rejection.

In accordance with MPEP 706.02(k), an Examiner may not reject claims in a Patent Application under U.S.C. §103 if one of the references used and the Patent application are commonly owned and the reference is used as a 102(e) reference.

In this case, both Ku et al., which is one of the references used, and the present Application are owned by

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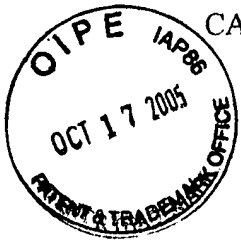
IBM. Ku et al. is an allowed application whose issue fee has been recorded at the Patent Office on 9/20/2005. As such, Ku et al. constitutes a 102(e) reference. Consequently, the teachings in Ku et al. cannot be used in combination with other references to reject the claims in the present application.

Since one of the applied references is improperly used, Applicants submit that the Examiner failed to present a prima facie 103 rejection and respectfully request reconsideration, allowance and passage to issue of the claims in the application.

Respectfully submitted,

By: 

Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969



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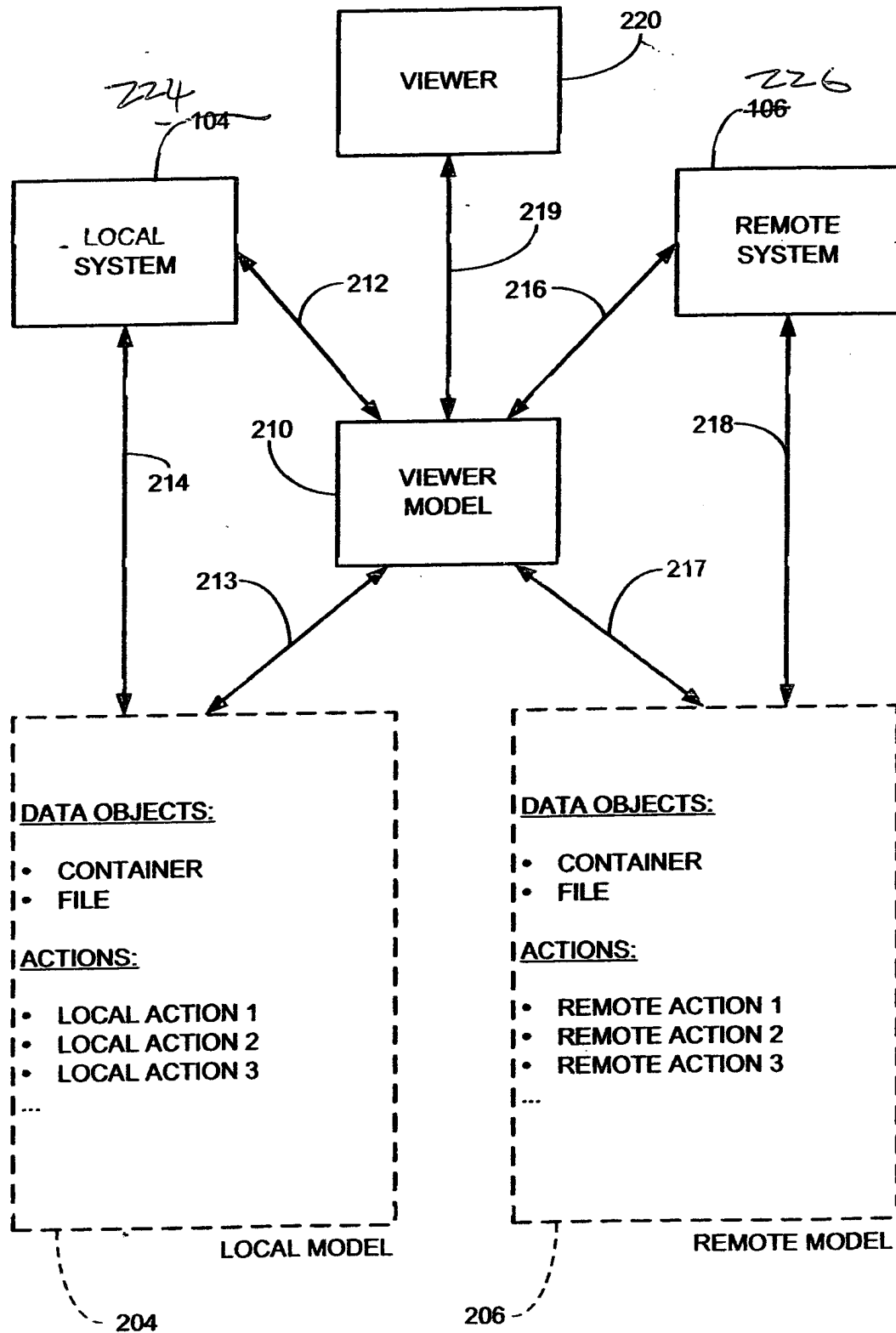


FIG. 2

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